

CHALKER FLORES, LLP

INTELLECTUAL PROPERTY LAW

RECEIVED
CENTRAL FAX CENTER**Fax****MAR 28 2005**

DATE: March 28, 2005

TO	Box / Fax No.	RE:
US Patent and Trademark Office	703-872-9306	Serial No. 10/764,177 Filing Date: January 23, 2004 Inventor: Tengler, Et Al.
FROM	Edwin Flores eflores@chalkerflores.com	
DIRECT LINE	214-866-0001	
DIRECT FAX	214-866-0010	
CLIENT/MATTER NO.	PHFB:1007	
TOTAL PAGES (including cover)	13	
Customer No.	34,725	

If you have any problems with this transmission, please call 214-866-0001.

Is this for Service of Documents?
Please indicate local time deadline:
Confirmation Requested:**Comments**

Attached for filing please find:

Preliminary Amendment	9 pages
Fee Transmittal	1 page
Transmittal	1 page
PTO 2038	1 page

Thank you,

Edwin Flores, Reg. No. 38,453

Confidentiality Note: The documents accompanying this facsimile contain information from Edwin Flores, which is confidential. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile is strictly prohibited, and that the documents should be returned to Edwin Flores immediately. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original document in as little time as possible to you.


RECEIVED
CENTRAL FAX CENTER

MAR 28 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/764,177 Confirmation No. 7865
Applicant : Tengler, et al.
Filed : January 23, 2004
TC/A.U. : 1614
Examiner :
Docket No. : PHFB:1007
Customer No. : 34,725

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<p align="center">Certificate of Facsimile Transmission 37 CFR 1.8</p> <p>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on March 28, 2005 to the Fax Center at (703)-872-9306.</p> <p align="center"></p> <p>Signature _____</p> <p align="center">Edwin S. Flores</p> <p>Typed or printed name of person signing certificate _____</p>
--

PRELIMINARY AMENDMENT

Sir:

Applicants hereby respectfully submit this Preliminary Amendment for the patent application filed herewith. In view of the following remarks and amendments, consideration and allowance of the claims pending in this Application are respectfully requested.

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the Listing of Claims and begin on page 2 of this paper; and

Remarks/Arguments begin on page 9 of this paper.

03/31/2005 EKOLI1 00000017 10764177

01 FC:2202

50.00 0P

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031


U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM	Application Number	10784,177
	Filing Date	January 23, 2004
	First Named Inventor	Tangier, et al.
	Art Unit	1614
	Examiner Name	
(to be used for all correspondence after initial filing)		
Total Number of Pages in This Submission	12	Attorney Docket Number PHF:1007


ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Preliminary Amendment; PTO Form 2038 and Fax cover sheet.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Chalker Flores, LLP		
Signature			
Printed name	Edwin S. Flores		
Date	3/28/05	Reg. No.	38,453

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Edwin S. Flores	Date	3/28/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006, OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2005☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 50.00**Complete if Known**

Application Number 10/784,177

Filing Date January 23, 2004

First Named Inventor Tengler, et al.

Examiner Name

Art Unit 1614

Attorney Docket No. PHFB:1007

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☐ Deposit Account Deposit Account Number: Deposit Account Name:

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)

Small Entity Fee (\$)

50

25

Each independent claim over 3 (including Reissues)

200

100

Multiple dependent claims

360

180

Total Claims**Extra Claims****Fee (\$)****Fee Paid (\$)**

- 20 or HP = 2 x 25 = 50

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims**Extra Claims****Fee (\$)****Fee Paid (\$)**

- 3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

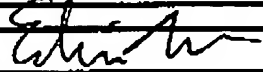
Total Sheets**Extra Sheets****Number of each additional 50 or fraction thereof****Fee (\$)****Fee Paid (\$)**

- 100 = / 50 = (round up to a whole number) x =

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

SUBMITTED BY		Registration No.	Telephone
Signature		38,453	214-866-0001
Name (Print/Type)	Edwin S. Flores	Date	3/28/05

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-6199 and select option 2.